Los Angeles County Sheriff's Department

S_pervisor's Report on Use of \ \rce Page 1 of 4 URN: 0 1 2 - 0 0 2 7 4 - 0 2 7 2 - 4 6 1 Date: Time: 1/7/12 1235 Hrs. Geraghty Avenue City or Station: Los Angeles Location: YES NO Admin. Investigation: East Los Angeles Station Bureau/Station/Facility: Type of Force: Significant - Fractured arm YES X NO Deputy Injury : YES | NO | Suspect Injury X Call ☐ Detail ☐ Vehicle Pursuit Foot Pursuit Observation IAB Roll Out: YES NO I IAB Notified; YES X NO Person Notified: Emp: Lt. Ault Involved Employee Middle Name Last Name First Name Employee # E 1 Marcelo NMN Ortega Sex: Unit of Assignment: Work Assignment (Unit #, Module, etc.): Race: Male East Los Angeles Station 21A Female H Shift: Height: Weight: Age: Off Duty Regular Shift OT Shift Day PM 5' 11" 215 Lbs. EM Directed Force Coroner Case # Injured Treated Significant Force Admitted Hospital: Middle Name First Name Last Name Employee # Unit of Assignment: Sex Race: Work Assignment (Unit #, Module, etc.): Male Female Height: Shift: Age: Weight: Off Duty Regular Shift OT Shift PM Day EM **Directed Force** Coroner Case # Admitted Hospital: Injured Treated Significant Force First Name Middle Name Employee # Last Name Unit of Assignment: Sex: Race: Work Assignment (Unit #, Module, etc.): Male Female Shift: Height: Weight: Age: Off Duty OT Shift Regular Shift Day PM EM Directed Force Coroner Case # Significant Force Injured Treated Admitted Hospital: Additional Involved Employees On Duty Supervisor Witness to Incident Present **First Name** Rank Emp. # Last Name Middle Name YES NO X YES NO Sgt. Rothe Frank Present Witness to Incident Middle Name Rank First Name Last Name Emp. # YES NO YES NO Watch Sergeant Middle Name First Name Last Name Emp. Soto Joaquin Watch Commander Middle Name First Name Last Name Emp. Lopez Daniel Daniel V. Lopez Watch Commander's Signature: Watch Commander (Print Name) Emp #: Date Patrick Kim Copy Provided to Employee by: Supervisor Completing Form: (Print Name) Emp #: Emp #: Henry M. Romero Unit Commander (Print Name) Unit Commander's Signature: Emp#: Date DISCOVERY Use Only Original: Discovery Unit

SH-R-438P (Rev. 07/08)

Copy: Unit Commander

FO#

Supervisor's Report on Use of Force SUSPECT INFORMATION

012-00274-0272-461

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Supervisor's Report on Use of Force EMPLO E / NON-EMPLOYEE INFOR TION

012-00274-0272-461

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(NO)

(SH) (WR) Wrist

Hìp

Leg

Neck

Nose

Shoulder

Internal

Knees

Method

Type of Injury

(CO) Concussion

(DI) Dislocation

(DB) Dog Bite

(FR) Fractures

(GS) Gunshot

(LC) Lacerations

(ND) Nerve Damage

(OD) Organ Damage

(CP) Complaint of Pain (HB) Human Bite

(AB) Abrasion

(BR) Bruise

(DH) Death

(BU) Burn

(AW)	Arwen	(FH)	Firearm (Handgun)	(PO)	Personal Weapon (Other)
(BC)	Baton: (Control)	(FR)	Firearm (Rifle)	(RS)	Resistance
(BI)	Baton: (Impact)	(FS)	Firearm (Shotgun)	(CN)	Restraint Device (Capture Net)
(BF)	Bodily Fluids	(FO)	Firearm (Other)	(RH)	Restraint Device (Handcuffs)
(CN)	Canine	(FB)	Flashbang	(HB)	Restraint Device: Hobble (Legs Only)
(CR)	Carotid Restraint	(FL)	Flashlight	(TP)	Restraint Device: Hobble (TARP)
(CH)	Choke Hold	(OE)	Other Weapon: Edged	(RE)	Restraint Device: REACT Belt
(CT)	Control Holds: (Control Techniques)	(OV)	Other Weapon: Vehicle	(SP)	Sap ·
(TT)	Control Holds: (Team Takedown)	(OB)	Other Weapon: Blunt Object	(SH)	Shield
(TD)	Control Holds: (Takedown)	(00)	Other Weapon: Other	(SG)	37mm Stinger
(CE)	Chemical	(PK)	Personal Weapon: Feet/Leg: (Kick)	(SB)	Sting Ball
(OC)	Chemical Agents (OC Spray)	(PS)	Personal Weapon: Feet/Leg: (Sweep)	(ST)	Stun Bag
(TG)	Chemical Agents (Tear Gas)	(PH)	Personal Weapon (Hand/Arm)	(TR)	Taser
(EX)	Explosives	(PP)	Personal Weapon (Push)	(UC)	Uncooperative

(PA) Paralysis

(ST)

(PW) Puncture Wound

(UN) Unconscious

(NN) NONE

(SD) Soft Tissue Damage

Sprain/Twists

(RM) Refused Med Treatment

Body Part Injured (AD) Abdomen

(AK) Ankle

Arm

Back

Chest

Elbow

Buttocks

(AR)

(BK)

(BT)

(CH)

(EL)

(FA) Face

(FE) Feet

(FI) Fingers

(GE) Genitals

(GR) Groin

(HD) Hands

(HE) Head

FORCE USE	D BY	FORCE USED A	Method	Type of	Body Part (Code)	
Name	E# or S#	Name	E# or S#	(Code)	Type of Injury (Code)	(Code)
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Ortega	E1	Flores	S1	CT	FR	AR
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COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

SIGNIFICANT USE OF FORCE FORCE RESULTING IN A SKELETAL FRACTURE - LEFT HUMERUS BONE

UNIT: EAST LOS ANGELES STATION

DATE / TIME OF INCIDENT: JANUARY 7, 2012 (SATURDAY) / 1245 HOURS

LOCATION: GERAGHTY AVENUE LOS ANGELES, CA 90063

URN: 012-00274-0272-461

IAB #: FO2304323

SYNOPSIS

Deputy Ortega responded to a family disturbance call at Geraghty Avenue in East Los Angeles. Once at the location, he learned that Patient Flores had a verbal argument with her sister and other family members. Moments after Deputy Ortega arrived, Los Angeles County Paramedics, who were dispatched to the home at the time of the call, began treating Patient Flores for chest pains.

Patient Flores walked down a flight of stairs from her house to a gurney that was waiting for her at street level in front of the residence. She was placed on the gurney and about to be placed inside the ambulance.

A paramedic suddenly alerted Deputy personnel that Patient Flores had removed herself from the gurney and requested them to detain her because she wanted to harm herself. As Patient Flores was walking back to her house, Deputy Ortega requested her to stop several times, but she refused to comply.

Deputy Ortega then grabbed Patient Flores' elbows from behind, at which time she attempted to break free from his grasp. Deputy Ortega placed Patient Flores against the side of a paramedic truck and placed her left arm behind her back.

Patient Flores immediately complained of pain to her left arm. With the assistance of Deputies Carr and Inzunza, Patient Flores was handcuffed without further incident and transported to East L.A. Doctors Hospital by ambulance where she was placed on a 5150 WIC hold.

At 1820 hours, East Los Angeles Station personnel received notification from the hospital staff that Patient Flores had sustained a spiral fracture of the left humerus bone. At 1915 hours, Lieutenant Alicia Ault was notified of the incident and that Patient Flores was diagnosed with a fractured arm. An IAB Force Team did not respond as the scene was not held and the patient was no longer in custody.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY

Deputy Marcelo Ortega, #

Date of employment
Date assigned to patrol
Completed patrol training
Prior shooting incidents
Prior founded force incidents



PATIENT INFORMATION

Isabel Flores

Female, Hispanic, Age: 58, DOB: 07-27-1953, 5' 4", 220 lbs

<u>WITNESSES</u>

Deputy Gregory Carr
Deputy Humberto Inzunza
Firefighter
Firefighter
EMT
EMT

INJURIES

Patient Flores sustained an acute fracture to her left humerus bone. Refer to her medical assessment **[EXHIBIT A]** for more detailed information.

No Deputy personnel were injured.

PHYSICAL EVIDENCE

There was no physical evidence.

INVESTIGATOR'S OBSERVATIONS

The incident occurred on a two-way residential street in East Los Angeles.

WEAPONS USED BY DEPUTY PERSONNEL

Personal weapons.

WEAPONS USED BY SUSPECT

Personal weapons.

PROPERTY DAMAGE

None

CRIMINAL CHARGES FILED

There were no criminal charges filed on Patient Flores.

INVOLVED DEPUTY AND WITNESS STATEMENTS

The following narratives are intended only as synopses of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

Deputy Marcelo Ortega

On March 21, 2012, Deputy Ortega was interviewed at IAB by Sergeant Patrick Kim and Sergeant Victor Allen. Deputy Ortega said he responded to the location regarding a family disturbance call. Upon his arrival, he contacted Patient Flores who complained to him about having medical problems. He summoned for paramedics, who arrived at the location shortly afterward. The paramedics escorted Patient Flores down a flight of stairs to an ambulance.

Deputy Ortega said that he was with Deputies Carr and Inzunza, approximately ten to fifteen feet away from the ambulance when he heard Paramedic yell out, "Hey, bro, can you stop her? She wants to hurt herself." Deputy Ortega said he detained Patient Flores and told her several times for her to allow the paramedics to provide her the medical attention she needed. Patient Flores was uncooperative and attempted to pull away, at which time Deputy Ortega said he applied a firm grip on Patient Flores' elbows from behind. Patient Flores then attempted to pull away while also trying to kick his lower body. Deputy Ortega said he then placed Patient Flores against a Fire Department vehicle as she continued to argue with him and pull away. Patient Flores then attempted to hit him with her elbow, at which time Deputy Ortega said he grabbed her left wrist and twisted it behind her back in an effort to handcuff her. Deputy Ortega said it was this time he heard a popping sound, but was not sure what caused it.

Patient Flores complained of pain to her arm at this point. Deputies Inzunza and Carr assisted him with handcuffing Patient Flores and escorted her to the ambulance without incident. Deputy Ortega said he immediately advised Sergeant Rothe by radio regarding the force incident and also submitted a report **[EXHIBIT B]** to the Watch Sergeant within the same shift.

Deputy Gregory Carr

On March 21, 2012, Deputy Carr was interviewed at IAB by Sergeant Patrick Kim and Sergeant Victor Allen. Deputy Carr said he responded to a family disturbance call where Fire Department personnel were also summoned for someone having chest pains. He arrived at the location simultaneously with Deputy Ortega. He and Deputy Ortega contacted Patient Flores, who complained of chest pains.

Fire Department personnel medically treated Patient Flores and determined that she needed to go to the hospital. The paramedics escorted Patient Flores from her house to a gurney on the street level in front of Geraghty Avenue. Deputy Carr said he was approximately fifty feet away when he heard a fireman yell something, at which time he saw Patient Flores walking toward them and back to the house as she was screaming and yelling obscenities at her family. He then heard a fireman yell out to grab Patient Flores because she said she wanted to hurt herself.

Deputy Carr said he was approximately five feet away from Deputy Ortega, who approached Patient Flores from the front and grabbed her by the left shoulder. Deputy Ortega then turned Patient Flores around and placed her against a Fire Department vehicle. Deputy Ortega held Patient Flores' straightened arms behind her back as she was yelling and trying to get away from his grasp. Deputy Carr said he applied a firm grip on Patient Flores' left arm and her wrist which allowed Deputy Ortega to handcuff her without further incident.

Deputy Carr said he immediately notified Sergeant Rothe of the incident and also submitted a Supplementary Report [EXHIBIT C] to him within the same shift.

Deputy Humberto Inzunza

On March 21, 2012, Deputy Inzunza was interviewed at IAB by Sergeant Patrick Kim and Sergeant Victor Allen. Deputy Inzunza said when he arrived at the location, he saw Deputies Ortega and Carr at the front of the residence which is elevated from the street. Fire Department personnel were escorting Patient Flores down to the street level as Deputies Ortega and Carr followed behind them. Patient Flores was then placed on a gurney inside an ambulance.

Deputy Inzunza said as he walked away from the ambulance he heard one of the paramedics tell Deputy Ortega to grab Patient Flores because she had made some comments about hurting herself. He turned around and noticed the gurney was empty.

He then saw Patient Flores standing against the back of the Fire Department squad truck with Deputy Ortega placing her hands behind her back. Deputy Inzunza said he assisted Deputy Ortega with handcuffing Patient Flores without incident. Patient Flores was then placed back onto the gurney again into the ambulance.

Deputy Inzunza said he immediately notified Sergeant Rothe of the incident and also submitted a Supplementary Report **[EXHIBIT D]** to him within the same shift.

Firefighter Firefighter told Sergeant Rothe that Deputies arrived on scene and went inside the residence to ensure that it was safe for Fire Department personnel to enter. The Deputies cleared them to enter the house to treat Patient Flores. Firefighter said as he conducted a medical assessment of Patient Flores, she told them that she intended to hurt herself. Firefighter said as he walked her out to the gurney, Patient Flores was very agitated. upset, and almost to the point where she was combative with him. He finally got her to the ambulance and then just before she was placed inside, while sitting on the gurney, she immediately told them to let her go. As they tried to calm her down, Patient Flores jumped off the gurney onto the ground. Firefighter said he asked the closest Deputy to detain Patient Flores because he didn't want her to hurt herself or to hurt anybody else, given what she had said earlier. As Deputy Ortega tried to get in her way, Patient Flores tried to go around him. Deputy Ortega then tried to put his hands on her shoulders at which time she "sideswiped" him and walked toward her family members. Deputy Ortega then grabbed Patient Flores' left arm and tried to put her in an arm lock and placed her against the squad truck. Firefighter said he then heard a pop coming from Patient Flores which could have possibly been from her shoulder or elbow. Deputy Ortega then handcuffed Patient Flores without further incident. Firefighter Firefighter told Sergeant Rothe Patient Flores was cooperating him and his partner but yelling at her family as she was being wheeled to the ambulance. As he and

his partner were just about to put Patient Flores in the ambulance, she unbuckled the strap

and quickly got off the gurney as she was trying to "swat" them away.

As Patient Flores walked back toward the house, the Deputies were trying to calm her down and get her to go back to the ambulance. Firefighter said there was a lot of commotion so he wasn't sure who instructed Patient Flores to calm down. He was approximately ten to fifteen feet away from Patient Flores as she flailed her arms at two Deputies. One Deputy then grabbed her arms and held her against the side of the paramedic squad and handcuffed her. Patient Flores was then placed back on the gurney and into the ambulance. It wasn't until the handcuffs were taken off of Patient Flores in the back of the ambulance that she complained of pain to her left arm.

EMT

EMT told Sergeant Rothe Patient Flores unbuckled both seat belts and jumped off the gurney as they trying to load her into the ambulance, which almost caused the gurney to tip over. She pulled Patient Flores' shirt to prevent her falling over. Patient Flores became enraged and yelled at her for pulling her. A paramedic told the Deputies, "You know what, she needs to be detained. She's getting combative." The Deputies approached Patient Flores and told her, "You need to calm down," before physically contacting her. Patient Flores headed back toward the house as she argued with family members and also telling the Deputies not to touch her. EMT said she was approximately fifteen to twenty feet away. She saw Patient Flores against the back passenger side of the paramedic truck being handcuffed behind her back, but did not see when the Deputy initially grab or push Patient Flores. Patient Flores was yelling at the Deputies and physically trying to get out of their control. EMT said it appeared as if Patient Flores was trying to pull her arms and elbows away from the Deputies, who were telling her to stop her actions.

Deputies then walked Patient Flores back and placed her on the gurney. Patient Flores complained of pain to her arm as she was yelling angrily and being emotional.

EMT

EMT told Sergeant Rothe he saw Patient Flores walk down the stairs from her house to the sidewalk, where she was placed onto a gurney. She was then wheeled to an ambulance parked across the street. Just prior to being placed into the ambulance, Patient Flores unbuckled the seatbelts, jumped off of the gurney and walked back toward her house. EMT said that he and the firefighters told Patient Flores to stay on the gurney, but she refused to comply with their instructions.

EMT said he was approximately fifteen feet away when he saw Deputies try to stop

Patient Flores by putting their arms out in front of her. Patient Flores started to flail her arms and yell at the Deputies, who then put their hands against Patient Flores' shoulders and move her against the squad truck. EMT said he was unable to see anything beyond this point because his view was obstructed by the other Deputies.

Patient Isabel Flores

Patient Flores told Sergeant Rothe she called 911 for shortness of breath. She was eventually placed onto a gurney and secured to it by seatbelt straps. She became agitated and upset with a family member, at which time she unbuckled herself and jumped off of gurney. She heard Deputies tell her, "Stop it" and "Calm down." Patient Flores said she then walked back toward the house, at which time Deputy Ortega came behind her and grabbed her right arm and put one cuff on it. Deputy Ortega then grabbed her left arm, bent it a certain way and placed it behind her back. She said she felt something snap from her shoulder to her elbow as Deputy Ortega pushed her against the paramedic truck.

She said she told Deputy Ortega that he was hurting her, at which time he pushed her against the vehicle and twisted her left arm and wouldn't let go. She said it felt like it snapped in three places.